

**FIRST AMENDMENT
TO THE SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT**

**47 NOTRE DAME
RESIDENTIAL PROJECT**

**City of San Jose
July 2005**

PREFACE

This document, the First Amendment to the Draft Environmental Impact Report (DEIR), together with the DEIR constitutes the Final Environmental Impact Report (FEIR) for the 47 Notre Dame Residential Project. The DEIR was circulated to affected public agencies and interested parties for a 30-day review period. This volume consists of comments received by the Lead Agency on the DEIR, responses to those comments, and revisions to the text of the DEIR.

In conformance with the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those significant effects. According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) or subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with the CEQA Guidelines, the FEIR will be made available to the public for ten days prior to certification of the Environmental Impact Report.

**47 NOTRE DAME RESIDENTIAL PROJECT
FINAL EIR**

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**I. LIST OF AGENCIES AND ORGANIZATIONS TO WHOM THE DRAFT EIR
WAS SENT**

State Agencies

- A. State Clearinghouse

Regional Agencies

- B. Santa Clara County Planning Department
- C. Alameda County Planning Department
- D. Santa Clara Valley Water District
- E. Bay Area Air Quality Management District

Local Agencies

- F. City of Campbell
- G. City of Morgan Hill
- H. City of Santa Clara
- I. City of Saratoga
- J. City of Sunnyvale
- K. Santa Clara County Airport Land Use Commission

II. LIST OF COMMENTS LETTERS RECEIVED ON THE DRAFT EIR

Regional Agencies

A. Santa Clara Valley Transportation Authority June 27, 2005

Local Agencies/Organizations

B. San José Historic Landmarks Commission June 27, 2005

Individuals

C. John Buchanan June 8, 2005
D. Jim Fox June 24, 2005

III. REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains the revisions to the text of the Draft EIR. All deletions are shown ~~with a line through the text~~, and all new text is indicated with underlining.

Section I. Description of the Project

Page 17 **Revise** the second paragraph under *Airport Safety* as follows:

A submittal was made to the FAA pursuant to federal regulations with an initial proposed maximum building height of 259 feet above ground level and 340 feet above mean sea level (the ground elevation of the project site is approximately 81 feet above sea level). Based on this submittal, the FAA issued a Determination of Presumed Hazard. The findings of this determination concluded that any height over 228 feet above ground level and 309 feet above sea level would result in a Determination of Hazard to Air Navigation. As a result, the project was modified and resubmitted with a maximum height of 309 feet above sea level to the FAA. The revised submittal meets the requirements established by the FAA for this project site in the Determination of Presumed Hazard and, as a result, the currently proposed structure is assumed to be in compliance with federal aviation standards. A Determination of No Hazard is pending from the FAA, and will be finalized upon completion of a public comment period on the proposed building height. ~~and must be received prior to approval of the proposed project.~~ To comply with federal regulations and General Plan Policy No. ~~38~~ 47, the project proponent must obtain FAA airspace review and issuance of a “Determination of No Hazard” prior to ~~certification of the Final EIR~~ issuance of a site development permit. The elevation limits specifically determined to be acceptable by the FAA, as well as any specific marking/lighting or building material requirements, ~~will be incorporated into~~ added to the Final EIR environmental record as part of for the proposed project and made a condition of the site development permit.

IV. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all the comments requiring responses contained in letters, emails, and phone calls received regarding the DEIR during the advertised 30-day review period. The comments are organized under headings containing the source of the comment and the date submitted. The specific comments have been excerpted from the letters and are presented as “Comment” with each response directly following. Each of the letters submitted to the City of San José is contained in its entirety in Section V of this document.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section I of this document lists all of the recipients of the DEIR.

One of the four comment letters below is from a public agency. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation. [§15086(c)]

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state that:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decisions, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state. [§15086(d)]

The one comment letter received from a public agency does not include any performance objectives for mitigation measures.

**A. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY, JUNE 27, 2005**

Comment 1A: Project Description: VTA commends and strongly supports the proposed developments at this site, which is adjacent to a VTA *corridor* and within a *regional core* as identified in the *Community Design & Transportation (CDT) Guidelines*. The proposed residential development density of 275 dwelling units/acre will support the current, planned and potential future transit services at this location. Currently, local and express bus routes serve this site, with Bus Rapid Transit (BRT) and the Downtown Area Shuttle (DASH) scheduled to serve this corridor in the coming months. BART may also serve this corridor in the future, with stations nearby and in the downtown San José area. The multiple bus and shuttle services at this location will provide frequent and convenient connections to nearby light rail stations, as well as the San José Diridon Station, which is served by Caltrain, ACB, the Highway 17 express and additional VTA bus routes.

Response 1A: This comment is acknowledged.

Comment 2A: Site Design: Special attention to the incorporation of thoughtful pedestrian connectivity will be necessary to ensure that future residents have safe and convenient access to area transit serves, as well as the ground floor retail planned for the second phase of the project. In addition to good internal connectivity which minimize walking distances to perimeter sidewalks, VTA also encourages the inclusion of high quality pedestrian and transit supportive streetscape designs, which include, for example, safe and direct walking routes on wide sidewalks with trees, benches, and human-scale lighting, as well as special pavement treatments at crosswalks and the consideration of bulb-outs at nearby bus stops.

The VTA *Community Design & Transportation (CDT) Guidelines* and the VTA *Pedestrian Technical Guidelines* should be used when designing developments at this site. These documents provide guidance on site planning, building design, street design, preferred pedestrian environment, intersection design and parking requirements. Both documents are available upon request to agency staff. For more information, please call Chris Augenstein, Development & Congestion Management Division, at 408-321-5725.

Response 2A: This comment is acknowledged and has been forwarded to appropriate City Staff and the project proponent for consideration in the final design of the project.

Comment 3A: Vehicular Parking: VTA commends the proposed, mostly below grade, structured parking at this urban in-fill location. However, VTA is concerned about the provision of more parking spaces than is required by the City of San José building code. On page 41 of the Draft SEIR, it is specified that 1.0 parking space for each unit is allowed regardless of the number of bedrooms for multi-family residential development with open parking in the Downtown Core area. While only 385 residential parking spaces are required for this project, 615 parking spaces are proposed, which exceeds the City of San José's building code by 230 parking spaces. VTA is concerned that exceeding parking requirements by 60% will encourage automobile use and create a less pedestrian-friendly environment. As a result, VTA recommends that the City of San José evaluate the effect of providing excess parking on traffic conditions with the project.

Parking reductions to account for proximity to transit and the provision of on-site retail should be considered for this project. VTA supports the consideration of these potential reductions so that the number of parking spaces provided is less than that established by City of San José code.

Response 3A: As stated on page 6 of the EIR, the project is proposing an average of 1.49 parking spaces per unit (one parking space for one and two bedroom units and two parking spaces for any units over two bedrooms). The project proposes more than the minimum parking spaces required by the City of San José parking requirements, because the project proponent believes that multiple parking spaces are necessary to adequately market the proposed three to four bedroom luxury units. The final project parking ratio will be determined by the Director of Planning as he makes a decision on the Site Development Permit application.

Comment 4A: Bicycle Parking: Demand for bicycle parking will be generated by the proposed project. However, there is no analysis of bicycle parking requirements for the proposed project. As a result, VTA requests that the Final SEIR include an analysis of bicycle parking that includes the number and location of both Class I bicycle parking spaces (i.e., bicycle lockers or secured shared-access storerooms) and Class II bicycle parking spaces (i.e., bicycle racks). Please refer to the VTA *Bicycle Technical Guidelines* for additional guidance on supply, siting and design of bicycle facilities. This document may be downloaded from www.vta.org/news/vtacmp/Bikes. For more information on bicycle systems, please contact Michelle DeRobertis, Development & Congestion Management Division, at 408-321-5716.

Response 4A: Based on the City of San José Municipal Code Section 20.70.395, the project is not required to provide motorcycle or bicycle parking. However, the project is proposing 21 motorcycle parking spaces and 27 bicycle parking spaces on-site. The bicycle parking will be Class I parking. Specifically, the bicycle parking will be racks located within a locked room in the parking garage.

Comment 5A: Regional Freeway Impacts: Page 41 of the Draft SEIR mentions that this project will be considered part of the total 3,600 dwelling units included in the Supplemental Downtown Strategy Plan SEIR that would result in a significant unavoidable regional freeway impact.

However, VTA *TIA Guidelines* state that if a project causes a transportation impact that cannot be reduced to a less than significant level, the Lead Agency must implement or require the project's sponsor to implement the "Immediate Implementation Actions" listing in Appendix D of the VTA *Transportation Impact Analysis Guidelines* as part of the project approval. Another strategy for mitigating project impacts is the implementation of Transportation Demand Management (TDM) programs to reduce project vehicle trip generation (which are also part of the "Immediate Implementation Actions" list). The Final SEIR should include items from the Action List or a TDM program as mitigation measures to satisfy TIA Guidelines.

Response 5A: The project by itself does not result in a significant regional freeway impact. The project, however, is part of the 3,600 residential units approved under the Downtown Strategy Plan, which when combined resulted in a significant unavoidable regional freeway impact. As such, it was assumed that the construction of the proposed residential project, which is counted as part of the 3,600 dwelling units, would contribute to the significant unavoidable regional freeway impact that would occur with

construction of the aforementioned 3,600 units. The “Immediate Implementation Actions” listed in Appendix D of the VTA *Transportation Impact Analysis Guidelines* were implemented with the previously constructed units. As a result, there is no mitigation required as part of this project.

B. RESPONSE TO COMMENTS FROM SAN JOSÉ HISTORIC LANDMARKS COMMISSION, JUNE 27, 2005

Comment 1B: Historic Significance: The DSEIR includes this summary of the historic significance of the Palomar Ballroom. As part of the Downtown San José Historic Survey 2000, the Dill Design Group prepared a historic evaluation of the Palomar Ballroom that found the Palomar Ballroom eligible for the National Register of Historic Places under Criteria A, because it retains a fair level of historic integrity with its original design and construction and is considered an important social gathering place for the Chicano/Latino population of San José and the surrounding areas. In 2004, historic preservation consultant Suzanne Guerra developed a historic context for the Palomar and further evaluated its historic significance, confirming the building's eligibility for the National and California Registers under Criteria A1 as the only remaining representation of the Big Band Era in San José; for the building's role as an integrate public venue during a period in which both public and private facilities were segregated; and for the buildings role in the preservation of the diverse social and cultural traditions of the Latino community in Santa Clara Valley for approximately 50 years.

Response 1B: This comment is acknowledged and reflects the analysis of the DSEIR.

Comment 2B: Alternatives and Mitigation Measures: The commission noted that several alternatives in the Draft Supplemental Environmental Impact Report would avoid the impact to the Palomar Ballroom and allow its reuse as private communal open space.

Response 2B: This comment is acknowledged and reflects the analysis of the DSEIR.

Comment 3B: The Commission noted that the proposed interpretive display mitigation measures to be incorporated into the project should be located on the actual site of the Palomar Ballroom.

Response 3B: This comment is acknowledged and will be considered by the Director of Planning prior to his decision on the Site Development Permit for the project.

Comment 4B: The Commission also stated that the mitigation measure to contribute funds to the City that will be used to conduct historic buildings surveys within the City is not currently proposed, and should be included as a proposed mitigation measure in the project. While this mitigation measure would not reduce the impact to the historic building to less than significant, it would identify previously undocumented and/or unidentified historic structures for protection, identify adaptive reuse of potentially threatened historic structures, and encourage awareness of the contribution of historic resources to the vitality of the City.

Response 4B: The mitigation is listed above is not currently proposed by the project. This comment is acknowledged and will be considered by the Director of Planning prior to his decision on the Site Development Permit for the project.

C. RESPONSE TO COMMENTS FROM JOHN BUCHANAN, JUNE 8, 2005

Comment 1C: 22 Story Height: Given existing FAA limitations due to airport approach corridors, we cannot understand how this proposed high-rise should exceed the height of the Opus Building at 225 W. Santa Clara Street. As it stands now, there are frequently very low overflights of our 12 story building. Greater density is hardly justification for safety, regardless of the economics.

Response 1C: The project proponent is currently working with the FAA to determine the maximum height for the proposed building. As stated on page 17 of the EIR, the original FAA determination stated that 228 feet would likely be approved. However, the FAA has circulated for public comment a notice of a pending determination; an indication that the FAA would like additional technical input prior to completing its analysis. If the FAA concludes that the proposed 228-foot tall building would be a hazard to aircraft operations, the project would have to be modified and resubmitted for FAA review until it receives a no-hazard determination. A determination of no hazard from the FAA is required prior to City issuance of development permits. Page 5 of this document has the proposed text revisions that reflect the most current information regarding the FAA determination.

Comment 2C: Architectural Concerns: Any high-rise structure which towers over its surrounding neighbors by heights of more than twice as much (DeAnza, 10 Almaden, 1 Almaden and Comerican Bank) should incorporate setbacks on its upper half floors so as not to totally block out sunlight, views, etc. The location of the main, secondary and parking access points are also very sensitive matters, as they will generate special traffic impacts and needs.

Response 2C: The proposed building is set back to the farthest point on the property from the De Anza Hotel and the Santa Clara/Notre Dame intersection. Specifically, the building is proposed for the northwest corner of the site, which results in an approximately 250 setback from the De Anza Hotel and places the tallest portion of the building across from the rear of the Opus Building (located on the east side of Notre Dame Street) where the parking structure is located. In addition, the height of the proposed building will not be more than twice the height of the three identified neighboring buildings or the De Anza Hotel. The 1 Almaden and Comerica Bank buildings are both over 150 feet tall, the 10 Almaden building is over 200 feet tall, and the De Anza Hotel is approximately 120 feet tall.

As discussed on pages 38 – 39 of the EIR, the level of service analysis conducted for project conditions concluded that all the signalized study intersections will operate at an acceptable level of service with the addition of the project traffic. In addition the peak-hour signal warrant analysis concluded that none of the key unsignalized intersections, including the intersection of Notre Dame Street and Carlsyle Street, would require installation of a traffic signal with the addition of the project traffic. The only operational impact of the project is the inadequate storage capacity in the eastbound left-turn lane on West Santa Clara Street at Almaden Boulevard (East)/Notre Dame Street, which is an existing condition and not a result of the project.

Comment 3C: Parking Traffic Conflicts: Adding over 400 parking spaces to the 624 parking spaces in our building will severely impact traffic flow on both Carlisle and Almaden during rush hours. Both are narrow secondary streets which not only serve an immediate neighborhood, but also act as through streets for southbound vehicles leaving State Route 87 at the Julian Street offramp. Any proposed major building on the subject site should be designed to provide for at least an additional parking acceleration/deceleration lane to ease rush hour and emergency vehicle parking related traffic flow. This could be accomplished by a first floor cantilevered design.

Response 3C: As discussed on pages 38 – 39 of the EIR, the level of service analysis conducted for project conditions concluded that all the signalized study intersections will operate at an acceptable level of service with the addition of the project traffic. In addition the peak-hour signal warrant analysis concluded that none of the key unsignalized intersections, including the intersection of Notre Dame Street and Carlisle Street, would require installation of a traffic signal with the addition of the project traffic. The only operational impact of the project is the inadequate storage capacity in the eastbound left-turn lane on West Santa Clara Street at Almaden Boulevard (East)/Notre Dame Street, which is an existing condition and not a result of the project.

Comment 4C: Historical Building Demolition: The sooner both existing buildings are gone, the better. Their present use contributes very little positive and enormous negative value to the community. Just ask the police: vandalism, graffiti, litter, etc. Why the Tropicana Club would ever be considered as a candidate for the National Register of Historic Places is beyond credibility.

Response 4C: The commentor's opinion regarding the two buildings on the project site is acknowledged. The structure was found culturally significant for the reasons described in the DSEIR.

Comment 5C: For the record, we have no objection to the development of the subject site, just to the scale. Any scheme that maximized return should not be to the detriment of its fellow citizens.

Response 5C: The commentor's opinion regarding the scale of the project is acknowledged and will be considered by the Director of Planning prior to his decision on the Site Development Permit for the project.

D. RESPONSE TO COMMENTS FROM JIM FOX, JUNE 24, 2005

Comment 1D: I am the Managing Partner of the group that owns the Hotel DeAnza in Downtown San José. I understand that the comment phase for the EIR is to close on Monday. I'm interested in hearing from you and receiving copies of any comments that you've received thus far. We, of course, are interested in seeing the site developed; but, only in a way that will enhance the Hotel DeAnza which is listed on the National Register of Historic Buildings. I believe, with the proper attention paid to the DeAnza, a development can proceed that will in deed embellish the historic structure and still have a quite spectacular identity of its own. As an adjoining property owner; one would think that we would have been kept abreast of this project in its development stage. We have heard nothing from the adjoining property owner; nothing from the City; and nothing from the development team. We don't intend to go away.

Response 1D: All agencies, organizations, and persons who comment on the DEIR receive a copy of the Final EIR, which lists all the comment letters received. A copy of this First Amendment, which includes all comments on the Draft EIR, the City's responses to comments received, and associated text revisions, has be available 10 days prior to any action being taken. Accordingly, a copy of the First Amendment has been provided to you.

As stated on page 6 of the EIR, one of the objectives of the project is to develop a high-quality, high-density, luxury high-rise residential project that is compatible with the Historic De Anza Hotel. In addition, page 30 of the EIR states that it was the conscious decision of the project proponent to site the proposed residential tower on the northwest corner of the block to ensure the greatest setback from the De Anza Hotel, thus minimizing the tower's effect on the De Anza Hotel. However, as stated in the DSEIR, the project will result in a significant unavoidable impact to the historic setting of the De Anza Hotel.

Notification of the preparation of the DSEIR, the public scoping meeting, and the availability of the DSEIR (for public review) for this project were sent to all property owners within 1,000 feet of the proposed project, posted at the County Clerk's office, and posted online at the City's website <http://www.sanjoseca.gov/planning/>.

V. COPIES OF THE COMMENT LETTERS RECEIVED ON THE DRAFT EIR



June 27, 2005

City of San Jose
Department of Planning, Building and Code Enforcement
801 North First Street
San Jose, CA 95110

Attention: Akoni Danielson, Principal Planner

Subject: File No.: H04-050/SCH No. 2004112025
47 Notre Dame Residential SEIR

Dear Mr. Danielson:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Supplemental Impact Report (SEIR) for the 47 Notre Dame Residential Project. This project is bounded by Almaden Boulevard, Carlisle Street, Notre Dame Street, and West Santa Clara Street. The project consists of the construction of a 22-story, 350 unit residential condominium and a six-story 60,000 square foot mixed use commercial/residential building with 35 residential units and approximately 8,000 square feet of ground floor retail/commercial uses. We have the following comments.

Project Description

VTA commends and strongly supports the proposed developments at this site, which is adjacent to a VTA corridor and within a regional core as identified in the *Community Design & Transportation (CDT) Guidelines*. The proposed residential development density of 275 dwelling units/acre will support the current, planned and potential future transit services at this location. Currently, local and express bus routes serve this site, with Bus Rapid Transit (BRT) and the Downtown Area Shuttle (DASH) scheduled to serve this corridor in the coming months. BART may also serve this corridor in the future, with stations nearby and in the downtown San Jose area. The multiple bus and shuttle services at this location will provide frequent and convenient connections to nearby light rail stations, as well as the San Jose Diridon Station, which is served by Caltrain, ACE, the Highway 17 Express and additional VTA bus routes.

47 Notre Dame Residential
June 27, 2005
Page 2 of 3

Site Design

Special attention to the incorporation of thoughtful pedestrian connectivity will be necessary to ensure that future residents have safe and convenient access to area transit services, as well as the ground floor retail planned for the second phase of the project. In addition to good internal connectivity which minimizes walking distances to perimeter sidewalks, VTA also encourages the inclusion of high quality pedestrian and transit supportive streetscape designs, which include, for example, safe and direct walking routes on wide sidewalks with trees, benches and human-scale lighting, as well as special pavement treatments at crosswalks and the consideration of bulb-outs at nearby bus stops.

The VTA *Community Design & Transportation (CDT) Guidelines* and the VTA *Pedestrian Technical Guidelines* should be used when designing developments at this site. These documents provide guidance on site planning, building design, street design, preferred pedestrian environment, intersection design and parking requirements. Both documents are available upon request to agency staff. For more information, please call Chris Augenstein, Development & Congestion Management Division, at 408-321-5725.

Vehicular Parking

VTA commends the proposed, mostly below grade, structured parking at this urban in-fill location. However, VTA is concerned about the provision of more parking spaces than is required by the City of San Jose building code. On page 41 of the Draft SEIR, it is specified that 1.0 parking space for each unit is allowed regardless of the number of bedrooms for multi-family residential development with open parking in the Downtown Core area. While only 385 residential parking spaces are required for this project, 615 parking spaces are proposed, which exceeds the City of San Jose's building code by 230 parking spaces. VTA is concerned that exceeding parking requirements by 60% will encourage automobile use and create a less pedestrian-friendly environment. As a result, VTA recommends that the City of San Jose evaluate the effect of providing excess parking on traffic conditions with the project.

Parking reductions to account for proximity to transit and the provision of on-site retail should be considered for this project. VTA supports the consideration of these potential reductions so that the number of parking spaces provided is less than that established by City of San Jose code.

47 Notre Dame Residential
June 27, 2005
Page 3 of 3

Bicycle Parking

Demand for bicycle parking will be generated by the proposed project. However, there is no analysis of bicycle parking requirements for the proposed project. As a result, VTA requests that the Final SEIR include an analysis of bicycle parking that includes the number and location of both Class I bicycle parking spaces (i.e., bicycle lockers or secured shared-access storerooms) and Class II bicycle parking spaces (i.e., bicycle racks). Please refer to the VTA *Bicycle Technical Guidelines* for additional guidance on supply, siting and design of bicycle facilities. This document may be downloaded from www.vta.org/news/vtacmp/Bikes. For more information on bicycle systems, please contact Michelle DeRobertis, Development & Congestion Management Division, at 408-321-5716.

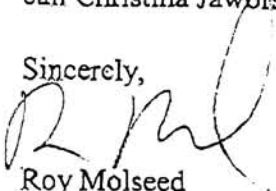
Regional Freeway Impacts

Page 41 of the Draft SEIR mentions that this project will be considered part of the total 3,600 dwelling units included in the Supplemental Downtown Strategy Plan SEIR that would result in a significant unavoidable regional freeway impact.

However, VTA *TIA Guidelines* state that if a project causes a transportation impact that cannot be reduced to a less than significant level, the Lead Agency must implement or require the project's sponsor to implement the "Immediate Implementation Actions" listed in Appendix D of the VTA *Transportation Impact Analysis Guidelines* as part of a project approval. Another strategy for mitigating project impacts is the implementation of Transportation Demand Management (TDM) programs to reduce project vehicle trip generation (which are also part of the "Immediate Implementation Actions" list). The Final SEIR should include items from the Action List or a TDM program as mitigation measures to satisfy TIA Guidelines.

VTA staff appreciates the opportunity to review this project. If you have any questions, please call Christina Jaworski of my staff at (408) 321-5751.

Sincerely,



Roy Molseed
Senior Environmental Planner

RM:CTJ:kh

cc: Ebrahim Sohrabi, San Jose Public Works Department

June 27, 2005

Michael Rhoades
Department of Planning, Building and Code Enforcement
801 N. First Street, Room 400
San Jose, CA 95110-1795

RE: DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DSEIR),
File No. H04-050, 47 Notre Dame Residential Project, SCH No. 2004112025.

Dear Mr. Rhoades:

At the June 1, 2005 Historic Landmarks Commission meeting, the Commission discussed the Draft Supplemental Environmental Impact Report for the 47 Notre Dame Residential Project. In a 5-0-1 decision, Leong absent, the Commission voted to forward this comment letter, signed by the Chair, to the Director of Planning, Building and Code Enforcement and to the Planning Commission.

Historic Significance

The DSEIR includes this summary of the historic significance of the Palomar Ballroom. As part of the Downtown San Jose Historic Survey 2000, the Dill Design Group prepared a historic evaluation of the Palomar Ballroom that found the Palomar Ballroom eligible for the National Register of Historic Places under Criteria A, because it retains a fair level of historic integrity with its original design and construction and is considered an important social gathering place for the Chicano/Latino population of San Jose and the surrounding areas. In 2004, historic preservation consultant Suzanne Guerra developed a historic context for the Palomar and further evaluated its historic significance, confirming the building's eligibility for the National and California Registers under Criteria A1 as the only remaining representation of the Big Band Era in San Jose; for the building's role as an integrated public venue during a period in which both public and private facilities were segregated; and for the building's role in the preservation of the diverse social and cultural traditions of the Latino community in Santa Clara Valley for approximately 50 years.

Alternatives

The Commission noted that several alternatives in the DSEIR allow for the preservation of the Palomar Ballroom. In particular, Site Design Alternative G with Relocated Palomar Ballroom Building III would avoid the impact to the Palomar by allowing its reuse as private communal open space with an indoor/outdoor pool, gym or other use, and meet both the residential unit count and parking objectives of the project.

Mitigation Measures

The Commission noted that the proposed interpretive display mitigation measure to be incorporated into the project should be located on the actual site of the Palomar Ballroom.

The Commission recommended that the “not currently proposed” mitigation measure to contribute funds to the City that will be used to conduct historic buildings surveys within the City should be included as a proposed mitigation measure in the project. While this mitigation measure would not reduce the impact to the historic building to less than significant, it would identify previously undocumented and/or unidentified historic structures for protection, identify adaptive reuse of potentially threatened historic structures, and encourage awareness of the contribution of historic resources to the vitality of the City.

Thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Polcyn", followed by a horizontal line and a period.

Stephen Polcyn, Chair
San Jose Historic Landmarks Commission

C: San Jose Historic Landmarks Commission

Lee Butler

RECEIVED
JUN 07 2005
CITY OF SAN JOSE
PLANNING DIVISION

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement
City of San Jose
801 North First Street
San Jose, CA 95110


June 8, 2005

Re: Almaden Towers Environmental Impact Report (EIR)

Dear Mr. Haase:

In response to the request for public comment of the DSEIR on the subject project, please refer to the enclosed copy of our previous concerns expressed in a memo to Lee Butler of your staff, dated November 8, 2004. We still have these same concerns and trust they will be adequately addressed in the final EIR.

Sincerely yours,


John Buchanan
General Partner

DEVELOPERS OF
COMERICA BANK BUILDING

333 WEST SANTA CLARA, SUITE 280
SAN JOSE, CALIFORNIA 95113
TELEPHONE (408) 280-6300
FAX (408) 294-0360

TO: Lee Butler (lee.butler@sanjoseca.gov)
City of San Jose

FROM: John Buchanan (john@macanan.com)

DATE: November 8, 2004

SUBJECT: File No. HO4-050
SW Corner of Carlyle Street and Notre Dame Avenue

As owners and operating partners of the Comerica Bank Building, directly across N. Almaden street from the proposed residential tower, we have the following concerns:

1. **22 Story Height:** Given existing FAA limitations due to airport approach corridors, we cannot understand how this proposed high-rise should exceed the height of the Opus Building at 225 W. Santa Clara Street. As it stands now, there are frequent very low overflights of our 12 story building. Greater density is hardly justification for safety, regardless of the economics.
2. **Architectural Concerns:** Any high-rise structure which towers over its surrounding neighbors by heights of more than twice as much (DeAnza, 10 Almaden, 1 Almaden and Comerica Bank) should incorporate setbacks on its upper half floors so as not to totally block out sunlight, views, etc. The location of the main, secondary and parking access points are also very sensitive matters, as they will generate special traffic impacts and needs.
3. **Parking Traffic Conflicts:** Adding over 400 parking spaces to the 624 parking spaces in our building will severely impact traffic flow on both Carlyle and Almaden during rush hours. Both are narrow secondary streets which not only serve an immediate neighborhood, but also act as through streets for southbound vehicles leaving State Route 87 at the Julian Street offramp. Any proposed major building on the subject site should be designed to provide for at least an additional parking acceleration/deceleration lane to ease rush hour and emergency vehicle parking related traffic flows. This could be accomplished by a first floor cantilevered design.
4. **Historical Building Demolition:** The sooner both existing buildings are gone, the better. Their present use contributes very little positive and enormous negative value to the community. Just ask the police: vandalism, graffiti, litter, etc. Why the Tropicana Club would ever be considered as a candidate for the National Register of Historic Places is beyond credibility.

For the record, we have no objection to the development of the subject site, just to the scale. Any scheme that maximizes return should not be to the detriment of its fellow citizens.

John Buchanan
General Partner
Macanan Investments

Rhoades, Michael

From: Jim Fox [jfox@scisj.com]
Sent: Friday, June 24, 2005 4:06 PM
To: michael.rhoades@sanjoseca.gov
Subject: RE: H04-050/EIR/Hotel DeAnza

Michael

I'd like you to consider this email as a "Public Comment" during the "Public Review Process". Also, please share this email with Akoni. It is not my intention to disrupt the process. I am in favor of the block being developed. I need feedback in order to gain assurances that the proposed development is proper for this block in order to properly integrate the Hotel into the grand scheme of things. thank you jim fox

-----Original Message-----

From: Jim Fox
Sent: Friday, June 24, 2005 4:02 PM
To: 'michael.rhoades@sanjoseca.gov'
Subject: H04-050/EIR/Hotel DeAnza

Michael

I am the Managing Partner of the group that owns the Hotel DeAnza in Downtown San Jose. I understand that the comment phase for the EIR is to close on Monday. I'm interested in hearing from you and receiving copies of any comments that you've received thus far. We, of course, are interested in seeing the site developed; but, only in a way that will enhance the Hotel DeAnza which is listed on the National Register of Historic Buildings. I believe, with the proper attention paid to the DeAnza, a development can proceed that will in deed embellish the historic structure and still have a quite spectacular identity of its own. As an adjoining property owner; one would think that we would have been kept abreast of this project in its development stage. We have heard nothing from the adjoining property owner; nothing from the City; and, nothing from the development team. We don't intend to go away however.

I look forward to hearing from you.

jim fox
saratoga capital, inc
66 E. Santa Clara Street
san jose, ca 95113
408-298-8600

6/28/2005